

SECTION 6 – RELATIONSHIP TO COUNTY, STATE, AND FEDERAL LAND USE PLANS, POLICIES AND CONTROLS

6.1 Kaua‘i County

6.1.1 General Plan

The Kaua‘i County General Plan (GP) was adopted in November 2000. The GP provides guidance for land use regulations, the location and character of new development and facilities, and planning for County and State facilities and services.

According to the GP District Land Use Maps, the project area lies primarily within the Urban Center, Resort, Open, and Transportation Districts. Nāwiliwili Park and Vidinha Stadium are within the Park Land Use Designation. The project will comply with County standards and permitted uses within each GP Land Use Designation.

Traffic circulation in the Līhu‘e area was an issue identified in the GP. To address the issue, the GP calls for the development of safe routes and facilities supporting bicycle transportation. Specifically, the GP refers to the Anahola to Nāwiliwili bike path, as beneficial to those commuting between Kapa‘a and Līhu‘e, as well as offering scenic views of the coastline.

The project will provide a safer access route for bicyclists in the Lihue town area, which may encourage the use of bicycles as a realistic alternative to motorized vehicles. The project will also link to the larger bike path system, connecting the coastal communities of Anahola, Keālia, Waipouli, Wailua and Kapa‘a.

In addition to addressing the issue of traffic circulation in Līhu‘e and along the coastline, the proposed plan is in accordance with the following policies:

Section 3.2 Scenic Views

(a) In developing public facilities and in administering land use regulations, the County shall seek to preserve scenic resources and public views. Public views are those from a public place, such as a park, highway, or along shoreline. The County shall observe the following general principles in maintaining scenic resources:

(b)(3) Preserve the scenic qualities of lowland/open space features, such as the shoreline, the edge of a coastal bluff, a marsh, a fishpond, or a historic or cultural property. Structures should not impede or intrude upon public views of the feature and should not alter the character of the immediate area around the land feature, historic or cultural property.

Discussion:

The coastline between Ahukini and Ninini Point is designated as a conservation/open space area in the GP. The proposed bike-pedestrian path will be designed to maintain visual quality and open space. The project path will be constructed at grade and will not obstruct the view of or from the coastline. No structures will be built along the coastline between Ahukini and Ninini Lighthouse in order to maintain open space and the visual resources of the area. The proposed comfort station at Ninini Point Lighthouse will be sited and designed to blend into the surrounding landscape.

Section 3.5 Coastal Lands

(d) Following are general guidelines for coastal development, including resorts and residential subdivisions, but excepting harbors and other uses which are specifically dependent on locating near the water:

(3) Provide a permanent pathway laterally along the coast, located in the buffer zone mauka of the shoreline.

(5) Site buildings to preserve views corridors from roads or public places to the ocean and from the ocean mauka.

Discussion:

The project will create a ten foot wide paved pathway laterally along the coastline from Ahukini to Ninini Point and improve existing pathways on the western portion of Nāwiliwili Bay, adjacent to Nāwiliwili Beach.

No vertical structures will be located on the coastline between Ahukini and Ninini Point in order to preserve views along the coastline. A comfort stations is proposed at Ninini Point Lighthouse but will not significantly obstruct views to the ocean, or from the ocean looking mauka. See Section 2.2.1.A for additional details.

Section 7.3 Bikeways

Support funding to develop Kaua'i's bikeway system to provide for alternative means of transportation, recreation, and visitor activities (economic development).

Discussion:

The project is County, State and federally funded and will provide a safer and more enjoyable access way for pedestrians and bicyclists for the purpose of transportation and recreation.

6.1.2 Līhu‘e Development Plan

The purpose of the Līhu‘e Development Plan (LDP) (1975) is to provide more detailed specifications than the General Plan for the Līhu‘e area. The LDP promotes the creation of bike paths as a means of alleviating congestion and pollution problems created by automobile traffic. The LDP includes a plan for a continuous bike path system linking scenic, residential and commercial areas. The proposed project implements the bike path proposed in the LDP and is in alignment with the LDP’s vision and objectives for transportation.

6.1.3 County Zoning

The pathway alignment will pass through most County land use zones. The bike path acts as both a public transportation facility and an open space recreational resource. In one capacity or the other, the proposed pathway is a permitted use in all County land use zones. Special overlay zoning districts also apply including:

Tsunami District

Park and recreational facilities are a permitted use within the tsunami district. All structures and developments will be subject to additional construction and development standards, if required, as provided in Section 15-1, Flood Plain Management, Kaua‘i County Code.

Shore District

Park and recreational facilities are a permitted use within the shore district. All proposed development will be subject to development standards and permitting requirements as provided in Section 8-13 of the Kaua‘i County Code, and Chapter 205 Hawaii Revised Statutes.

Special Treatment District- Public

There are two Special Treatment Districts within the project area. The first, the Līhu‘e Town Center area, is zoned Residential (R1), with Special Treatment District- Public overlay. The second, the Līhu‘e Airport area, is zoned Industrial General, also with a Special Treatment District- Public overlay. Where the path falls within these districts, the alignment will follow existing roadways. Improvements in these Districts will not substantially change the form or appearance of structures or land.

6.1.4 Special Management Area

Sections of the project are located within the Special Management Area (SMA) boundary established in accordance with the State Coastal Zone Management Law (Chapter 205A, Hawai'i Revised Statutes, see section 7.2.4). A Special Management Area Permit will be required from the County of Kaua'i for coastal portions of the pathway alignment. See Figure 6-1.

The potential effects of the proposed project are evaluated based on the SMA guidelines established by Kaua'i County. The following is a discussion of the applicability of the guidelines to the proposed Nāwiliwili-Civic Center-Ahukini Bike and Pedestrian Path:

A. All development in the special management area shall be subject to reasonable terms and conditions set by the Authority to insure that:

(1) Adequate access, by dedication or other means, to publicly owned or used beaches, recreation areas and natural reserves is provided to the extent consistent with sound conservation principles:

Currently the Ahukini to Ninini Point coastline is used as a popular fishing area. Public access is provided by an unimproved dirt road that follows an existing twenty foot wide easement. Coastal access will be maintained for fishermen and other recreational users via this easement.

(2) Adequate and properly located public recreation areas and wildlife preserves are reserved:

The project will provide new pedestrian and bicycle access to the coastline between Ahukini and Ninini Point. The improvements along this segment will include a ten foot wide concrete bike path with directional and interpretive signage. A comfort station is planned for the existing developed areas at Ninini Point Lighthouse. No other vertical improvements will be constructed along this path segment in order to preserve the existing undeveloped character of the shoreline.

LEGEND

-  Special Management Area
-  Primary Project Corridor
-  Secondary Network Corridors

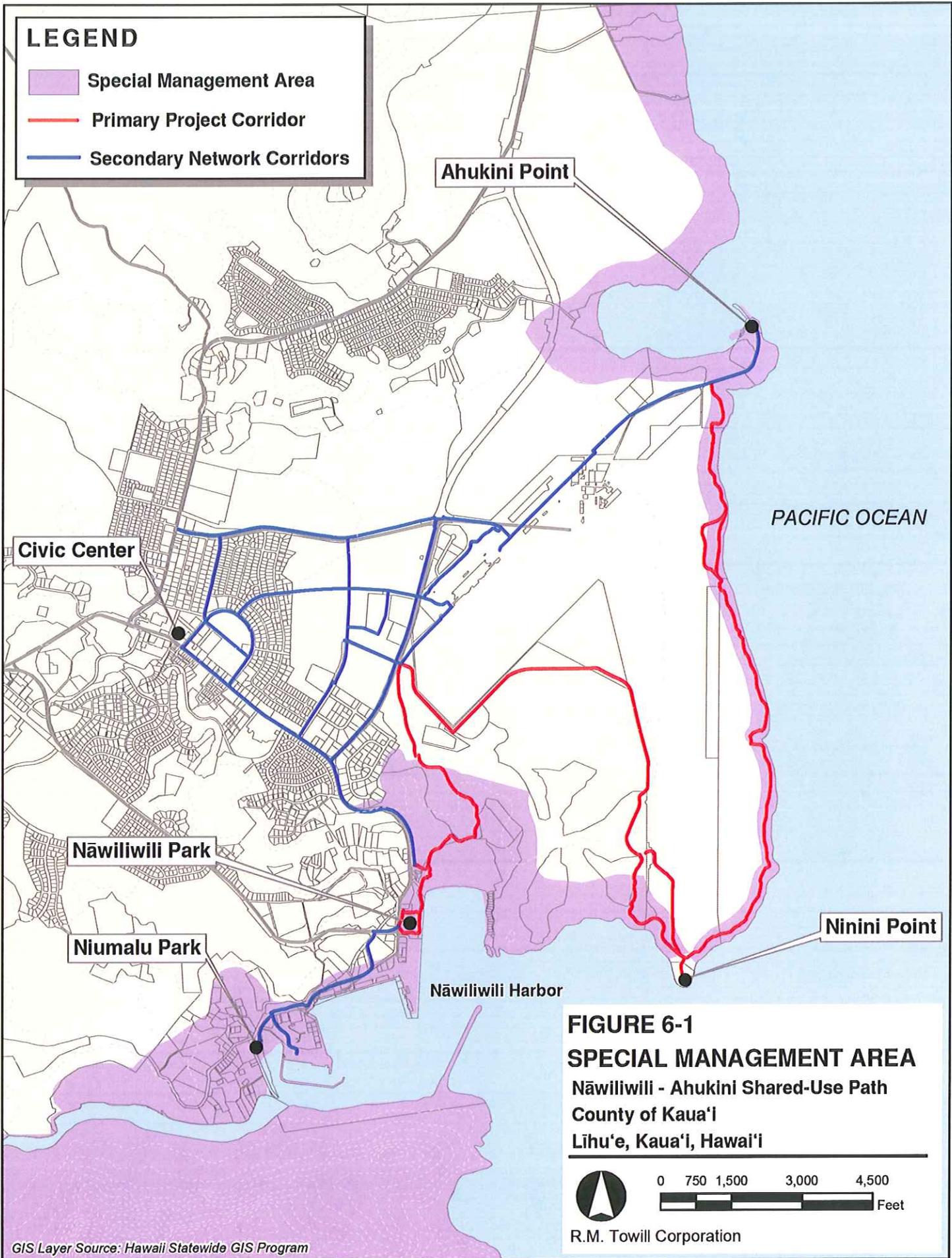
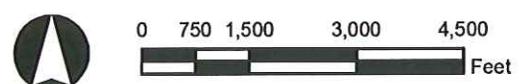


FIGURE 6-1
SPECIAL MANAGEMENT AREA
Nāwiliwili - Ahukini Shared-Use Path
County of Kaua'i
Līhu'e, Kaua'i, Hawai'i



R.M. Towill Corporation

GIS Layer Source: Hawaii Statewide GIS Program

- (3) Provisions are made for solid and liquid waste treatment, disposition, and management which will minimize adverse effects upon special management area resources:*

Where sewer service is available, such as at Nāwiliwili Park, comfort stations will be connected to a sewer collection and treatment system. As an alternative where sewer service is unavailable, such as at Ninini Point, comfort stations will utilize septic tanks and leach fields. Construction activities will result in a temporary increase in wastewater generation. Port-a-Johns will be used during construction and will be discharged off-site in compliance with State and County regulations.

Solid waste generated on County facilities is collected by the County of Kauai and disposed of at the Keaha Landfill, which serves the entire island. A refuse transfer station in Lihue is also used for solid waste collection. Refuse collected at the transfer station is ultimately disposed in the landfill. The proposed project is not expected to result in a significant increase in solid waste generation. Trash cans will be provided along the pathway for use by path users. Collection and disposal will be handled by the existing solid waste service. As part of a solid waste management program, the County will consider the reuse of green waste generated by landscape maintenance. Green waste will be chipped and/or composted for reuse as mulch, as practicable. All solid waste generated by construction activities will be disposed of off-site by the project contractor in compliance with County regulations.

B. No development shall be approved unless the Authority has first found that:

- (1) The development will not have any substantial, adverse environmental or ecological effect except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, and welfare, or compelling public interest. Such adverse effect shall include, but not be limited to, the potential cumulative impact of individual developments, each of which taken in itself might not have a substantial adverse effect and the elimination of planning options.*

The proposed project is not anticipated to involve a substantial degradation of environmental quality. Planning and design for the project includes mitigation measures to prevent or minimize potential impacts. Potential environmental impacts should be considered in light of the project's public safety and interest.

Bike paths serve the public interest in the following ways:

- Promoting alternative modes of transportation thus reducing dependence on automobiles.
- Promoting improved cardiovascular health and weight loss by encouraging physical activity through walking and bike use.
- Creating economic opportunity for businesses and services along the path alignment.
- Preserving public shoreline access.

(2) *The development is consistent with the objectives and policies, as enumerated in Chapter 205A, HRS, and special management area guidelines set forth in these Rules and Regulations.*

The project is in compliance with the objectives and policies set forth in Chapter 205A-2 Hawaii Revised Statutes (HRS), and Special Management Area guidelines contained in HRS Section 205A-26. See Section 6.3.5, HRS 205 Coastal Zone Management, for further discussion.

(3) *The development is consistent with the County General Plan, and zoning ordinances. Such a finding of consistency does not preclude concurrent processing where a general plan or zoning amendment may also be required.*

The proposed project will be developed in conformance with the Kaua'i General Plan's policies for *Scenic Views, Coastal Lands, and Bikeways*. The project will also be developed in conformance with the County of Kaua'i Zoning Ordinances as described in Section 6.1.3.

C. The Authority shall seek to minimize, where reasonable:

(1) *Dredging, filling or otherwise altering any bay, estuary, salt marsh, river mouth, slough, or lagoon.*

The project will not involve dredging, filling or alteration of the shoreline configuration. Planned improvements on the shoreline consist of renovating the existing seawall at Nāwiliwili Park. The project corridor and associated comfort station located at Nāwiliwili Park, adjacent to Nāwiliwili Bay, will improve upon already existing facilities and will not alter the configuration of the Bay or Nāwiliwili River. No estuary, salt marsh, slough or lagoon is located near the preferred alignment and none will be affected by the project activities.

- (2) *Any development which would reduce the size of any beach or other area usable for public recreation.*

No beaches along the coastal shoreline will be reduced in size. The current unpaved public easement will be maintained to ensure continued access to the shoreline between Ahukini and Ninini Point for fishermen and other recreational users. Improvements at Nāwiliwili Park will not replace existing park amenities or reduce the size of the recreation area.

- (3) *Any development which would reduce or impose restrictions upon public access to tidal and submerged lands, beaches, portions of rivers and streams within the special management area and the mean high tide line where there is no beach.*

The project will not reduce or impose restrictions upon public access to tidal and submerged lands, beaches, portions of rivers and streams within the Special Management Area, or the mean high tide line along the Ahukini-Ninini Point coastline where there is no beach. Planned path improvements will enhance public access to the shoreline.

- (4) *Any development which would substantially interfere with or detract from the line of sight toward the sea from the State Highway nearest the coast, or from existing public views to and along the shoreline.*

The Līhu‘e Development Plan has designated the coastline between Ahukini and Ninini Point as a major scenic geographical feature. The Kaua‘i General Plan has designated this area as open space/conservation. The Līhu‘e Development Plan also lists Nāwiliwili Bay and Kalapakī Beach as major scenic areas.

The project corridor will be designed to maintain visual quality and open space. The project path will be constructed at grade and will not obstruct the view of or from the coastline. No structures will be built along the coastline between Ahukini and Ninini Lighthouse in order to maintain open space and the visual resources of the area. The proposed comfort station at Ninini Point Lighthouse will be sited and designed to blend into the surrounding landscape. Improvements at Nāwiliwili Park, near Kalapakī Beach, will enhance present park amenities and may include the use of native plants typical to the area to enhance the visual quality of the Park.

- (5) *Any development which would adversely affect water quality, existing areas of open water free of visible structure, existing and potential fisheries and fishing grounds, wildlife habitats, estuarine sanctuaries, potential or existing agricultural uses of land.*

Project improvements will not encroach on any water bodies. The project will preserve existing access to shoreline fishing areas but is not expected to result in significant increase in fishing activity that would adversely affect fisheries or fishing grounds. No estuarine sanctuaries occur along the preferred alignment. Where the pathway passes through agricultural lands it will follow existing access corridors and it will not reduce the amount of land used for agricultural purposes. Preservation in perpetuity of public coastal access represents the enduring public benefit of preserving public coastal access in perpetuity outweighs the productive value of agricultural lands surrendered for bike path construction. The coastal location of the bike path is unique and irreplaceable for the purposes of coastal protection in contrast to the agricultural benefit of the land which can be realized in other locations.

6.1.5 Other County Plans

Līhu‘e Civic Center Master Plan

The Līhu‘e Civic Center Master Plan was created to revitalize the seventeen acre, two block area located at the most mauka (western) portion of the project area. The site is bound by Rice Street, ‘Umi Street, Hardy Street and Kūhiō Highway. State and County buildings, the Kaua‘i Museum, Big Save, Hawaiian Telcom, the County Lawn, parking lots and a transit stop are located in the Civic Center area.

Several goals were identified in order to revive the Civic Center area as the heart of Līhu‘e Town. Two of those goals address the issue of bike use: Improve traffic circulation around the area, and support multi-modal transportation systems with bike paths and shuttle service. One aspect of improving traffic circulation calls for bike lanes to be striped on both sides of Hardy Street and ‘Umi Street. No bike lanes were planned for Rice Street and Kūhiō Highway due to lack of space. The plan recommends that bicyclists on these two streets either share the roadways with vehicles or use alternate routes. Bicycle racks are planned for the Pi‘ikoi Building at the southwest corner and north adjacent to the building entry, and the southeast corner of the Historic County Building along the promenade. The plan also suggests that the County consider installing bike racks along public streets where sidewalk widths would permit.

The bicycle facilities discussed in the Līhu‘e Civic Center Master Plan were developed in conjunction with the County Planning Department’s *Līhu‘e Town Core Urban Design Plan’s* more comprehensive Līhu‘e bike path network. See Section 2.2.2.L for additional discussion.

6.2 State of Hawai‘i

6.2.1 Hawai‘i State Plan

The Hawai‘i State Plan, adopted in 1978 and revised in 1988, serves as a guide for the future long range development of the State by identifying goals, objectives, policies, and priorities.

The project complies with the Hawai‘i State Plan according to the following goals and objectives:

Section 226-6 Objectives and policies for the economy in general.

(b)(2) Promote Hawai‘i as an attractive market for environmentally and socially sound investment activities that benefit Hawai‘i’s people.

(b)(14) Promote and protect intangible resources in Hawai‘i, such as scenic beauty and the aloha spirit, which are vital to a healthy economy.

Section 226-11 Objectives and policies for the physical environment--land-based, shoreline, and marine resources.

(b)(3) Take into account the physical attributes of areas when planning and designing activities and facilities.

(b)(8) Pursue compatible relationships among activities, facilities, and natural resources.

(b)(9) Promote increased accessibility and prudent use of inland and shoreline areas for public recreational, educational, and scientific purposes.

Section 226-13 Objectives and policies for the physical environment--land, air, and water quality.

(b)(4) Encourage actions to maintain or improve aural and air quality levels to enhance the health and well-being of Hawai‘i’s people.

Section 226-17 Objectives and policies for facility systems--transportation.

(b)(6) Encourage transportation systems that serve to accommodate present and future development needs of communities.

(b)(10) Encourage the design and development of transportation systems sensitive to the needs of affected communities and the quality of Hawai‘i’s natural environment.

(b)(11) Encourage safe and convenient use of low-cost, energy-efficient, non-polluting means of transportation.

(b)(13) Encourage diversification of transportation modes and infrastructure to promote alternate fuels and energy efficiency.

Section 226-18 Objectives and policies for facility systems--energy.

(c)(7) Promote alternate fuels and energy efficiency by encouraging diversification of transportation modes and infrastructure.

Section 226-23 Objective and policies for socio-cultural advancement--leisure.

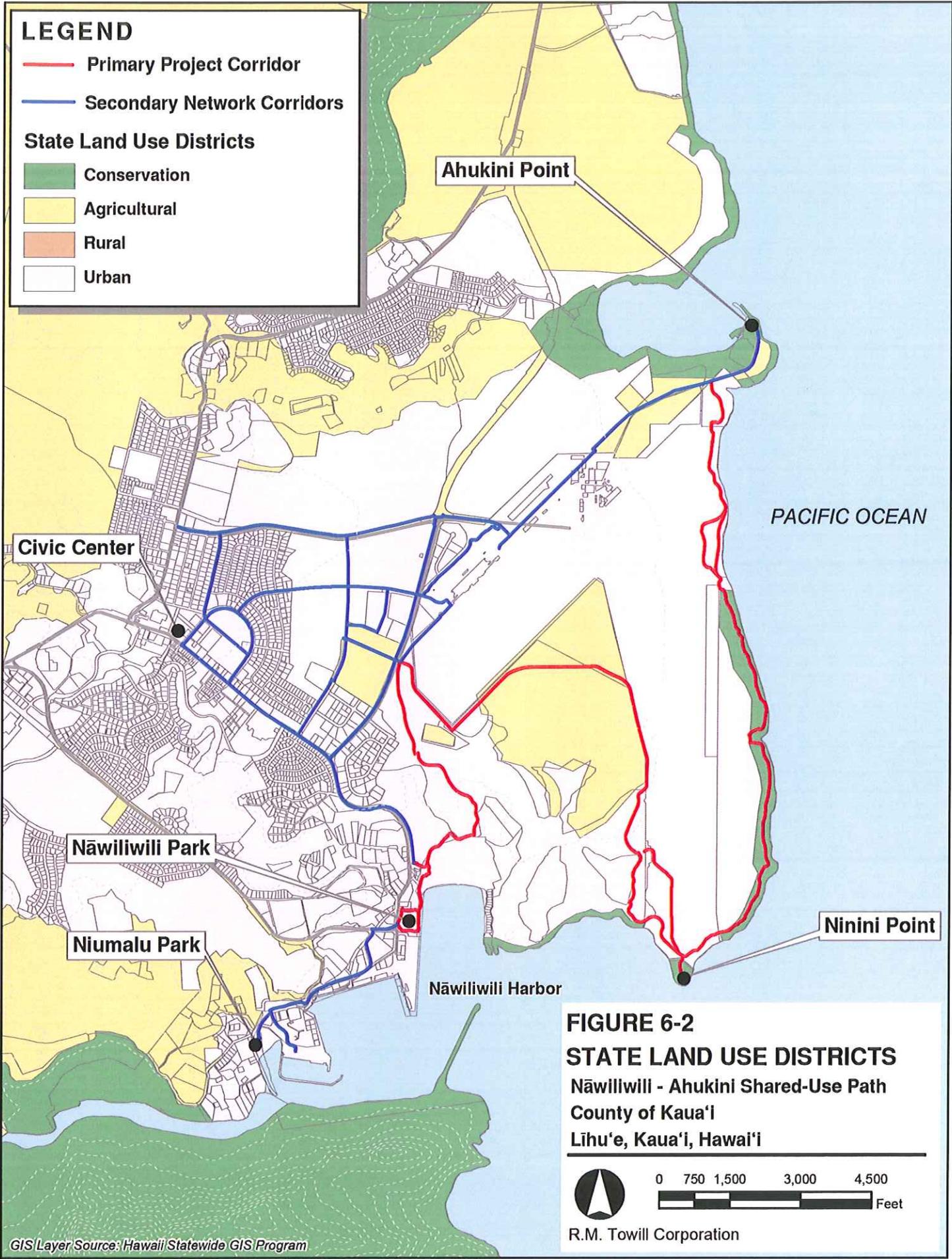
(4) Promote the recreational and educational potential of natural resources having scenic, open space, cultural, historical, geological, or biological values while ensuring that their inherent values are preserved.

(10) Assure adequate access to significant natural and cultural resources in public ownership.

6.2.2 State Land Use District Classification

The State Land Use Law (Chapter 205, HRS) was adopted in 1961, and is meant to preserve and protect Hawai‘i lands, and encourage the uses to which the lands are best suited. All lands in Hawai‘i are classified as Urban, Rural, Agricultural or Conservation.

The project is within the State Agriculture, Urban and Conservation Districts. The following segments of the project are within the State Urban District: Nāwiliwili to Marriott and Kaua‘i Lagoons Main Entrance Drive; Lihu‘e Airport Connection; Airport and Marriott/Kaua‘i Lagoons to the Stadium/Judicial Area and Lihu‘e Town; Nāwiliwili to Lihu‘e Town. The Marriott and Kaua‘i Lagoons Main Entrance Drive to the Ninini Point Lighthouse segment lies primarily within the Use Urban District, with the Ninini Point portion located in the Conservation District. The Ninini Point Lighthouse to Ahukini Road segment passes through the State Urban and Conservation Districts. See Figure 6-1.



The project is consistent with allowed uses for the Urban and Agricultural Districts. A Conservation District Use Permit will be obtained for project use in the Conservation District.

6.2.3 Hawai'i Statewide Transportation Plan

The Hawai'i Statewide Transportation Plan (HSTP) is a policy document that establishes the framework to be used in the planning of Hawai'i's transportation system. The mission of the HSTP is to provide for the safe, economic, efficient, and convenient movement of people and goods. The use of bicycling as a multi-modal form of transportation is integrated throughout the major policy elements of the plan. It is referenced most specifically in the goals and objectives of Mobility and Accessibility.

Goal I: Achieve an integrated multi-modal transportation system that provides mobility and accessibility for people and goods.

Objective 3: To promote alternative air, land, and water transportation mode choices.

B. Provide safe and continuous routes

C. Facilitate and provide walking and bicycling options that meet statewide and community needs.

Examples:

- Provide safe and continuous routes.*
- Increase the mileage of bicycle lanes and bicycle routes.*
- Provide wide shoulders along roads where bicycle lanes are not feasible or merited.*
- Sweep and maintain roadway shoulders and bike/multi-use paths regularly.*

6.2.4 Bike Plan Hawai'i

The 2003 Bike Plan Hawai'i is an updated master plan which outlines how the state intends to accommodate and encourage bicycle use. The following lists are objectives and recommendations specifically for the island of Kaua'i:

Objectives:

- Except where bicycling will be prohibited, include bicycle facilities in new roadway construction and during rehabilitation of existing roadways.*
- Develop a circumferential bikeway facility along the existing highways.*
- Identify scenic routes along existing highways and off-highway corridors to promote areas of safe, comfortable, and attractive bike rides.*
- Develop designated bike lanes in communities with relatively high populations or smaller communities with high through-traffic volumes.*
- Identify opportunities to incorporate former cane haul roads and other backroads into the bikeway network.*
- Where appropriate, provide non-motorized access to the island’s ecologically and culturally important sites.*

Kaua’i Near-Term Recommendations:

- Bike lane on Ahukini Road from Kūhiō Highway to Kapule Highway*
- Bike Lane on Hardy Street- Kūhiō Highway to ‘Umi Street*
- Signed Shared Road- Nāwiliwili Road from Kaumuali’i Highway to Lala Road*

Priority II Proposals (Mid-Term):

- Ahukini Road Kapule Highway- State Recreation Pier*
- Kūhiō Highway- Rice Street to Hanamā‘ulu*
- Kaua’i Commuter Bikeway Vicinity- Kaumuali’i to Wailua River*
- ‘Umi Street- Rice Street to Ahukini Road*
- Rice Street- Kūhiō Highway to Kapule Highway*
- Lala Road- Nāwiliwili Road to Rice Street*
- Līhu‘e Community Pathway along Nāwiliwili Stream/ RR ROW to Civic Center*

Priority III Proposals (Long-term)

- Connection A to Future Bikeway Isenberg Park Future Commuter Bikeway*
- Halekō Road- Nāwiliwili Road to Rice Street*
- Pua‘ole-Ho‘olako Streets- ‘Umi Street to Kapule Highway*
- Wa‘apā Road- Niumalu Road to Nāwiliwili Beach*

Priority IV Proposals (Contingent on Roadway Project)

- Future Bypass Highway- Kaumuali’i Highway North of Hanamā‘ulu*

Discussion:

The project is in conformity with the bikeway objectives for Kauaʻi. The project is located in the most populated region on the island and will eventually connect the Līhuʻe area to the larger bike path network. The corridor connects areas of commercial and residential use to the coastline. The project will utilize existing roadways and create new pathways to promote safe, comfortable and attractive bike rides. Where possible the project will work in conjunction with bike path proposals for already existing roadways and proposed roadways as described in the Līhuʻe Civic Center Master Plan and the Līhuʻe Town Core Urban Design Plan.

The preferred path alignment incorporates the areas identified by the Bike Plan Hawaiʻi recommendations for Kauaʻi. First, second and third level priority segments have been included in the project. First level priorities include a coastal shared use path from Ahukini to Ninini Point, connecting with Hoʻolako Street; Hardy Street, from Kūhiō Highway to ʻUmi Street; and Ahukini Street, from Kapule Highway to Kūhiō Highway. Second level priorities include Ahukini Road, Kapule Highway to the State Recreation Pier; ʻUmi Street, from Rice Street to Ahukini Road; Rice Street, from Kūhiō Highway to Kapule Highway; Rice Street, Lala Road to Kapule Highway; and the Līhuʻe Community Pathway, which would run along Nāwiliwili Stream. Finally, third level priority segments include, Puaʻole-Hoʻolako Streets, from ʻUmi Street to Kapule Highway; and Waʻapā Road from Niumalu Road to Kaumualiʻi Highway.

6.2.5 Coastal Zone Management, HRS 205(A)

The State of Hawaiʻi has designated the Coastal Zone Management Program (CZMP) to manage the intent, purpose and provisions of Chapter (A)-250, HRS, as amended, for the areas from the shoreline to the seaward limit of the State’s jurisdiction, and any other area which a lead agency (State Planning Office, Department of Land and Natural Resources) may designate for the purpose of administering the CZMP.

The project is being developed on public and private lands with County, State and Federal funds. The CZM review of the project is triggered by the use of federal funds.

The following is an assessment of the project with respect to the CZMP objectives and policies as set forth in Chapter 205(A)-2, HRS:

1. Recreational resources;

*(A) Improve coordination and funding of coastal recreational planning and management;
and*

(B) Provide adequate, accessible, and diverse recreational opportunities in the coastal zone management area by:

- (i) Protecting coastal resources uniquely suited for recreational activities that cannot be provided in other areas;*
- (ii) Requiring replacement of coastal resources having significant recreational value including, but not limited to, surfing sites, fishponds, and sand beaches, when such resources will be unavoidably damaged by development; or requiring reasonable monetary compensation to the State for recreation when replacement is not feasible or desirable;*
- (iii) Providing and managing adequate public access, consistent with conservation of natural resources, to and along shorelines with recreational value;*
- (iv) Providing an adequate supply of shoreline parks and other recreational facilities suitable for public recreation;*
- (v) Ensuring public recreational uses of county, state, and federally owned or controlled shoreline lands and waters having recreational value consistent with public safety standards and conservation of natural resources;*
- (vi) Adopting water quality standards and regulating point and nonpoint sources of pollution to protect, and where feasible, restore the recreational value of coastal waters;*
- (vii) Developing new shoreline recreational opportunities, where appropriate, such as artificial lagoons, artificial beaches, and artificial reefs for surfing and fishing; and*
- (viii) Encouraging reasonable dedication of shoreline areas with recreational value for public use as part of discretionary approvals or permits by the land use commission, board of land and natural resources, and county authorities; and crediting such dedication against the requirements of section 46-6.*

Discussion:

The project is federally funded and coordinated through County of Kaua'i Department of Public Works for the purpose of improving recreational coastal access. The Nāwiliwili-Civic Center-Ahukini Bike Path is part of a larger pathway system that will link coastal recreational resources between Anahola and Nāwiliwili.

The project will provide new pedestrian and bicycle access to the coastline between Ahukini and Ninini Point. Currently the Ahukini to Ninini Point coastline is used as a popular fishing area. Public access is provided by an unimproved dirt road that follows an existing twenty foot wide easement. Coastal access will be maintained for fishermen and other recreational users via this easement.

The improvements along this segment will include a ten foot wide concrete bike path with directional and interpretive signage. A comfort station is planned for Ninini Point Lighthouse. No other vertical improvements will be constructed along this path segment.

The project corridor will run adjacent to the western edge of Nāwiliwili Harbor, but will utilize and improve already existing paths. As part of this project improvements will be made at Nāwiliwili Park. Improvements may include covered picnic tables, landscaping, parking, informational signage and comfort station. Renovation of the existing seawall along the front of Nāwiliwili Park is also proposed.

Interpretive signage will be placed along the project corridor educating users on the important natural and recreational resources through out the coastal area and ways to aid in the conservation and protection of those resources.

Water quality will be protected during construction through the application of Best Management Practices in accordance with National Pollutant Discharge Elimination System (NPDES) permit regulations. Proposed improvements will not alter existing drainage pattern.

2. Historic resources:

(A) Identify and analyze significant archaeological resources;

(B) Maximize information retention through preservation of remains and artifacts or salvage operations; and

(C) Support state goals for protection, restoration, interpretation, and display of historic resources.

Discussion:

An archaeological field inspection and cultural impact evaluation prepared for the project (See Appendices A and B, and Section 5.2 and 5.3), identify known historic properties, as well as areas along the path routes where the potential for encountering previously unknown cultural or historic properties is higher. The preferred path alignment is routed to avoid known archaeological and historic sites. The final alignment will be established during the design phase when ground topography will be used to precisely locate known historic properties and ensure they are avoided by the path. Proposed mitigation measures include on-site and on-call monitoring during construction activities. In addition, pursuant to on-going consultation with SHPD, subsurface testing may be required in specific locations where more extensive excavation is planned (e.g, installation of drainage culverts, comfort station, and septic leachfield).

Path improvements include installation of signs to communicate interpretive and regulatory information to path users concerning the history of the area, the presence of cultural and historic resources, and ongoing efforts to preserve and learn from the physical remains of our predecessors.

3. Scenic and open space resources:

(A) Identify valued scenic resources in the coastal zone management area;

(B) Ensure that new developments are compatible with their visual environment by designing and locating such developments to minimize the alteration of natural landforms and existing public views to and along the shoreline;

(C) Preserve, maintain, and, where desirable, improve and restore shoreline open space and scenic resources; and

(D) Encourage those developments that are not coastal dependent to locate in inland areas.

Discussion:

The project conforms to the Coastal Zone Management Program Objective three, Scenic and Open Space, which encourages the protection, preservation and where desirable, restoration or improvement of the quality of coastal scenic and open space resources. The Lihū'e Development Plan has designated the coastline between Ahukini and Ninini Point as a major scenic geographical feature. The Kaua'i General Plan has designated this area as open space/conservation. The Lihū'e Development Plan also lists Nāwiliwili Bay and Kalapakī Beach as major scenic areas.

The project corridor will be designed to maintain visual quality and open space. The project path will be constructed at grade and will not obstruct the view of or from the coastline. No structures will be built along the coastline between Ahukini and Ninini Lighthouse in order to maintain open space and the visual resources of the area. The proposed comfort station at Ninini Point Lighthouse will be sited and designed to blend into the surrounding landscape. Improvements at Nāwiliwili Park, near Kalapakī Beach, will enhance present park amenities and may include the use of native plants typical to the area to enhance the visual quality of the Park.

4. Coastal ecosystems;

(A) Exercise an overall conservation ethic, and practice stewardship in the protection, use, and development of marine and coastal resources;

(B) Improve the technical basis for natural resource management;

(C) Preserve valuable coastal ecosystems, including reefs, of significant biological or economic importance;

(D) Minimize disruption or degradation of coastal water ecosystems by effective regulation of stream diversions, channelization, and similar land and water uses, recognizing competing water needs;

(E) Promote water quantity and quality planning and management practices that reflect the tolerance of fresh water and marine ecosystems and maintain and enhance water quality through the development and implementation of point and nonpoint source water pollution control measures.

Discussion:

The project is not part of a coastal ecological management program but will include interpretive signage to educate the public about significant habitats, threatened and endangered species, and preservation efforts. Project activities do not involve alterations to stream channels or other water bodies or water sources.

During construction, best management practices will be employed in compliance with NPDES permit requirements to prevent pollutant discharge in storm water runoff. Discharge pollution prevention measures will be installed for each project action as required by project activities. Measures to prevent sediment discharge in storm water runoff during construction will be in place and functional before project activities begin and will be maintained throughout the construction period. Runoff and discharge pollution prevention measures will be incorporated into site-specific Best Management Practices (BMP) plan by the project contractor.

5. Economic uses;

(A) Concentrate coastal dependent development in appropriate areas;

(B) Ensure that coastal dependent development such as harbors and ports, and coastal related development such as visitor industry facilities and energy generating facilities, are located, designed, and constructed to minimize adverse social, visual, and environmental impacts in the coastal zone management area; and

(C) Direct the location and expansion of coastal dependent developments to areas presently designated and used for such developments and permit reasonable long-term growth at such areas, and permit coastal dependent development outside of presently designated areas when:

- (i) Use of presently designated locations is not feasible;*
- (ii) Adverse environmental effects are minimized; and*
- (iii) The development is important to the State's economy.*

Discussion:

There are no Hawai'i Visitors Bureau (HVB) designated tourist destinations (signified by the Warrior Icon) located in the coastal areas of the project, however, additional areas within the coastal zone that are promoted by the HVB as tourist destinations include: Ahukini Landing, Nāwiliwili Harbor, Nāwiliwili Beach Park, Kalapakī Beach and two golf courses at Kaua'i Lagoons.

The project would provide bicycle access linking passengers arriving at Nāwiliwili Harbor to Ahukini Landing, Nāwiliwili Beach Park and Kalapakī beach as well as Līhu'e town center and Līhu'e Airport. The project will also provide connection to the larger bike path system with access to the coastal towns of Kapa'a, Wailua, Waipouli, Keālia, and Anahola. Bike paths also have the potential to provide economic stimulus where they provide linkage between commercial districts, as part of a recreational and multi-modal commuter system. In addition bike paths may attract a growing number of eco-tourists looking for more activity and nature oriented vacations.

The project has been assessed for social, visual, and environmental impacts in accordance with Chapter 343, HRS. With the implementation of mitigation measures outlined in this document no adverse impacts are expected to result from this project.

6. Coastal hazards;

(A) Develop and communicate adequate information about storm wave, tsunami, flood, erosion, subsidence, and point and nonpoint source pollution hazards;

(B) Control development in areas subject to storm wave, tsunami, flood, erosion, hurricane, wind, subsidence, and point and nonpoint source pollution hazards;

(C) Ensure that developments comply with requirements of the Federal Flood Insurance Program; and

(D) Prevent coastal flooding from inland projects.

Discussion:

The Federal Emergency Management Agency Flood Insurance Rate Map indicates that the project corridor passes through the following special flood hazard areas inundated by 100-year flood. Between Ahukini and Ninini, flood elevations are designated as VE (in which flood elevations of 13-22 feet msl have been determined). In the Kalapaki, Nāwiliwili, and Niumalu areas, flood elevations are designated as AE (in which flood elevations of seven feet msl have been determined). The project corridor also passes through Zone X which has been determined to be outside the .2% annual chance floodplain.

Long-term impacts due to coastal erosion will be minimized by the initial design of the path. Grading and excavations required for construction of the path and related amenities will be designed to minimize the amount of cut and fill required. The path alignment was selected to take advantage of natural grades in order to meet ADA accessibility standards for slopes with a minimal amount of ground disturbance and related costs. Erosion control measures will be employed during construction. Following project completion, permanent soil stabilization will be achieved through landscaping with various plant materials and ground covers. In addition, the path will be constructed of concrete or other durable all-weather surface to minimize potential for erosion.

Natural hazards endemic to all of Hawai'i, including Kaua'i, involves tsunami action. There have been four episodes since 1946. These occurrences happened in 1946, 1957, 1960 and 1964 respectively. The run-up heights vary from 1 foot to 14 feet. **Figure 3-3** shows the tsunami evacuation zone within the project area. Strong trade wind events are responsible for the majority of large wave action along the eastern coast of Kaua'i. Passing hurricanes have generated the highest wave heights along the east facing shores and may coincide with a high tide and typically generate a strong storm surge. The wave action generated by hurricanes 'Iwa (1982) and 'Iniki (1992) varied from 10-20 feet.

The Hawaiian Islands are seasonally affected by Pacific hurricanes from the late summer to early winter months. The County of Kaua'i has been affected twice since 1982 by devastating hurricanes, 'Iwa in 1982 and 'Iniki in 1992. It is difficult to predict these natural occurrences, but it is reasonable to assume that future events will occur. The project site is, however, no more or less vulnerable than the rest of the island to the destructive winds and torrential rains associated with hurricanes.

The project is not expected to exacerbate or reduce flood zone areas, as identified by Federal Emergency Management Agency Flood Insurance Rate Maps. The path will be designed outside of the flood zone when possible. Alternative routes will also be provided to allow path users to detour away from flooded areas if and when they should occur. The path and amenities will be designed to withstand flood occurrences as estimated by FEMA.

7. Managing Development;

(A) Use, implement, and enforce existing law effectively to the maximum extent possible in managing present and future coastal zone development;

(B) Facilitate timely processing of applications for development permits and resolve overlapping or conflicting permit requirements; and

(C) Communicate the potential short and long-term impacts of proposed significant coastal developments early in their life cycle and in terms understandable to the public to facilitate public participation in the planning and review process.

Discussion:

The project corridor lies within the State land use category of Urban, Agricultural, and Conservation. Land uses within the Urban and Agricultural designations are subject to regulation by the County. Land uses within the Conservation district are subject to regulation by the Department of Land and Natural Resources (DLNR). A Conservation District Use Permit will be obtained from DLNR for use within the Conservation District.

All work activities will be conducted in compliance with Federal, State, and County rules and regulations. This environmental assessment document is prepared to identify and, where necessary, propose mitigation measures to address impacts anticipated from the construction and operation of proposed improvements. This document will be published for public review and comment in compliance with procedures set forth in Chapter 343, HRS (see section eight below for further discussion).

8. Public participation;

(A) Promote public involvement in coastal zone management processes;

(B) Disseminate information on coastal management issues by means of educational materials, published reports, staff contact, and public workshops for persons and organizations concerned with coastal issues, developments, and government activities; and

(C) Organize workshops, policy dialogues, and site-specific mediations to respond to coastal issues and conflicts.

Discussion:

The project is being developed through a public outreach process that includes three public informational meetings to develop the preferred path alignment and amenities. The meetings will be broadcast on the Kaua'i public access television station, Ho'o'ike. A public hearing before the Planning Commission will also be conducted as part of the SMA permit approval process. Additionally, public notice of the proposed action will be provided through publication of the environmental assessment, CZM Federal Consistency Review, Shoreline Certification Application, and SMA permit application in the Office of Environmental Quality Control (OEQC) Bulletin. As part of the environmental review process, the public will have an opportunity to review and comment on the project during the 30-day public review period. All public comments will be addressed in writing. Mitigation measures will be developed where appropriate to address issues and conflicts raised during public review of the project.

9. Beach protection;

(A) Locate new structures inland from the shoreline setback to conserve open space, minimize interference with natural shoreline processes, and minimize loss of improvements due to erosion;

(B) Prohibit construction of private erosion-protection structures seaward of the shoreline, except when they result in improved aesthetic and engineering solutions to erosion at the sites and do not interfere with existing recreational and waterline activities; and

(C) Minimize the construction of public erosion-protection structures seaward of the shoreline.

Discussion:

One new comfort station is proposed at Ninini Point. The comfort station building will be sited away from the shoreline and situated to conserve open space. Bridge and/or culvert crossings at major drainage ways along the coastline will be designed to avoid interference with natural processes and to withstand natural hazards including erosional forces. Additional improvements are proposed for Nāwiliwili Park, including replacement of the existing comfort station, installation of new picnic tables, and landscaping. No shoreline hardening is proposed as part of this project with the exception of renovation of the existing seawall along the front of Nāwiliwili Park. Planned improvements will have a minimal impact on the environment.

10. Marine resources;

(A) Ensure that the use and development of marine and coastal resources are ecologically and environmentally sound and economically beneficial;

(B) Coordinate the management of marine and coastal resources and activities to improve effectiveness and efficiency;

(C) Assert and articulate the interests of the State as a partner with federal agencies in the sound management of ocean resources within the United States exclusive economic zone;

(D) Promote research, study, and understanding of ocean processes, marine life, and other ocean resources in order to acquire and inventory information necessary to understand how ocean development activities relate to and impact upon ocean and coastal resources; and

(E) Encourage research and development of new, innovative technologies for exploring, using, or protecting marine and coastal resources

Discussion:

All work activities will be conducted in compliance with Federal, State, and County environmental rules and regulations. The project will not otherwise impact on marine resources and does not involve research, or technological development related to the coastal and marine environments. Mitigation measures proposed for the protection of coastal fauna, particularly sea birds and the protected Hawaiian monk seal, include educational and regulatory signage to instruct the public about conservation efforts and appropriate actions individuals should take to preserve marine resources.

6.3 Federal

6.3.1 Clean Water Act Section (401) (404)

(401) States can use their water quality standards in Section 401 certifications to protect wetlands. Under Section 401, States can review and approve, condition, or deny all Federal permits or licenses that might result in a discharge to State waters, including wetlands. States and Tribes make their decisions to deny, certify, or condition permits or licenses primarily by ensuring the activity will comply with State water quality standards. In addition, States and Tribes look at whether the activity will violate effluent limitations, new source performance standards, toxic pollutants, and other water resource requirements of State/Tribal law or regulation.

(404) Section 404 requires a permit before dredged or fill material may be discharged into waters of the United States including wetlands.

Discussion:

The U.S. Army Corps of Engineers, Regulatory Branch, and the Clean Water Branch, Department of Health, are being consulted to identify permitting requirements as pertains to their jurisdiction under to the Clean Water Act. It is expected that a Section 401 Water Quality Certification and Section 404 permit will be required for proposed improvements to the seawall at Nāwiliwili Park that result in discharges to near shore waters. In addition, a National Pollutant Discharge Elimination System (NPDES) permit will be required from the State Department of Health for construction-related storm water runoff.

6.3.2 Department of Transportation Section 4(f)

Section 4(f) of the Department of Transportation Act of 1966, codified in Federal law at 49 USC §303, declares that "it is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites." Section 4(f) specifies that "[t]he Secretary [of Transportation] may approve a transportation program or project...requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site) only if -

(1) There is no prudent and feasible alternative to using that land; and

(2) The program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use." Section 4(f) further requires consultation with the Department of the Interior and, as appropriate, the involved offices of the Departments of Agriculture and Housing and Urban Development in developing transportation projects and programs which use land protected by section 4(f).

In general, a section 4(f) "use" occurs with a DOT-approved project or program when 1) section 4(f) land is permanently incorporated into a transportation facility; 2) when there is a temporary occupancy of section 4(f) land that is adverse in term of the section 4(f) preservationist purposes as determined by specified criteria (23 CFR §771.135[p][7]); and 3) when section 4(f) land is not incorporated into the transportation project, but the project's proximity impacts are so severe that the protected activities, features, or

attributes that qualify a resource for protection under section 4(f) are substantially impaired (constructive use). 23 CFR § 771.135(p)(1) and (2).

Discussion:

Consultation was initiated with organizations and individuals that have an interest in the project area and particularly along the proposed bike path alignment. Individual and organizations contacted were specifically asked to identify areas of concern as it pertains to historic resources, recreation resources, public parks, wildlife refuges, and plant or animal species that may be impacted by the project. Correspondence is included in **Appendix G – Federal Consultation**. Comments were received from the State Department of Land and Natural Resources (DLNR) and the County of Kauai Department of Public Works:

- The State Department of Land and Natural Resources (DLNR) Division of State Parks (DSP) concluded that the proposed project will enhance existing parks, including Ahukini Recreational Pier State Park, and expand outdoor recreation. The project also meets one of the recreation priority needs identified in the 2003 Hawaii Statewide Outdoor Recreation Plan (SCORP) which is the need for more linear paths to accommodate bicycles and pedestrians. Additional consultation is ongoing.
- The Kauai County Department of Public Works requests additional information on potential impacts to the Kauai Museum, the War Memorial Convention Hall, Vidinha Memorial Stadium and Soccer Complex, and Niumalu Park. These facilities are included in this project as part of the Secondary Network Path System. Bicycle / pedestrian access improvements adjacent to and within these facilities will be undertaken as part of separate, on-going planning efforts by the County, including:

Lihu’e Civic Center Master Plan, being prepared by the Building Department

Lihu’e Urban Design Guidelines, being prepared by the Planning Department

Vidinha Memorial Stadium and Soccer Complex Master Plan being prepared by the Department of Parks and Recreation.

Use of 4(f) properties is expected to enhance the recreational value of those resources. No impacts to historic properties, wildlife refuges, wetlands, or other significant sites is expected to result from the proposed project.

6.3.3 Endangered Species Act

The purpose of the Endangered Species Act (ESA) of 1973, is to protect and conserve ecosystems upon which endangered and threatened species are dependant, and to provide for the conservation of endangered and threatened species. The ESA is administered by the U.S. Department of Interior through the Fish and Wildlife Service and the U.S. Department of commerce through the National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

Discussion:

Consultation was initiated with organizations and individuals that have an interest in the project area and particularly along the proposed bike path alignment. Individual and organizations contacted were specifically asked to identify plant or animal species that may be impacted by the project. Responses were received from DLNR, Division of Forestry and Wildlife and from the U. S. Fish and Wildlife Services (USFWS). Their comments are reflected in the identification of flora and fauna known from the project area and proposed mitigation measures described in Sections 3.5 and 3.6 of this document.

6.3.4 National Historic Preservation Act Section 106

The National Historic Preservation Act (NHPA) became law in 1966, and was last amended in 2000. The NHPA requires government agencies to evaluate the impact of government funded construction projects through the process known as Section 106 Review. The goal of the process is to identify historic properties potentially affected by the proposed project, assess its impacts and seek ways to minimize or mitigate adverse effects. The NHPA is administered by the U.S. Department of Interior, National Park Service and the Advisory Council on Historic Preservation (ACHP). At the State level, the NHPA is implemented by the State Historic Preservation Officers.

Discussion:

Consultation was initiated with organizations and individuals that have an interest in the project area and particularly along the proposed bike path alignment. Individual and organizations contacted were specifically asked to identify historic or cultural sites that may be impacted by the project. Further, these organizations and individual was asked if the proposed project would curtail the traditional access or cultural practices. Responses were received from DLNR-SHPD, DLNR-DSP, The Historic Hawaii Foundation, and the Office of Hawaiian Affairs (OHA).

SHPD-Architecture review and the Historic Hawaii Foundation had no concerns about impacts to existing historic structures. The comfort station located at Nāwiliwili Park that is proposed for demolition and replacement was constructed in 1967 and is thus ineligible for listing on the State historic register. Two historic bridges identified as part of the archaeological field reconnaissance conducted for the project, one across Nāwiliwili Stream and one across Puali Stream near Niūmalu, will be the subject of an additional in-depth historic assessment report.

SHPD and OHA commented on the potential for impacts to historic sites resulting from the project, including remnants of pre-contact settlement areas, recorded heiau sites, and other known or unknown sites within the project area. The preferred path alignment is routed to avoid known archaeological and historic sites. The final alignment will be established during the design phase when ground survey will be used to precisely locate known historic properties and ensure they are avoided by the path. The archaeological field inspection and cultural impact evaluation prepared for the project (See Appendices A and B, and Section 5.2 and 5.3), identifies known historic properties, as well as areas along the path routes where the potential for encountering previously unknown cultural or historic properties is higher. Proposed mitigation measures include on-site and on-call monitoring during construction activities. In addition, pursuant to on-going consultation with SHPD, subsurface testing may be required in specific locations where more extensive excavation is planned (e.g, installation of drainage culverts, comfort station, and septic leachfield).

6.3.5 Coastal Zone Management

The Coastal Zone Management Act (CZMA), enacted in 1972, provides states with financial incentives for the development and implementation of coastal zone management practices, and limited review power over federal actions affecting the state's coastal zone. The CZMA requires federally assisted actions, including federally-funded state and local government projects, be consistent with Hawai'i's CZM Program objectives and policies. The national CZM program is administered by the Office of Ocean and Coastal Resources Management (OCRM), an office within the National Oceanic and Atmospheric Administration, under the U.S. Department of Commerce.

Discussion:

The proposed bike-pedestrian path is located within the Coastal Zone as defined by the State. The proposed bike-pedestrian path is in conformance with the goals, policies, and objectives of the Hawai'i CZM Program.